

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	On or about December 11, 2016 and May 6, 2017
Time of Incident:	Unknown
Location of Incident:	XXXX S. Ingleside, Chicago, IL
Date of COPA Notification:	November 19, 2017
Time of COPA Notification:	7:14 PM

On or about December 11, 2016, Officer A (“Officer A”), Star no. XXXX, while off-duty, went to the residence of complainant Subject 1 (“Subject 1”), located at XXXX S. Ingleside, Chicago, Illinois. Officer A was told to leave. On or about May 6, 2017, Officer A, while off-duty, again went to the residence of Subject 1. Subject 1 again told Officer A to leave. Subject 1 alleges she is being harassed by Officer A. The Civilian Office of Police Accountability (“COPA”) reviewed these allegations and recommends that they be Not Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A, Star #XXXX, Employee ID# XXXX, Date of Appointment: XXXX XXX, 2014, Police Officer, XXXX District, DOB: XX/XX/89, Male, Black
Subject #1:	Subject 1, DOB: XX/XX/92, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer A	1. Harrassed Subject 1 by arriving at her residence, XXXX S. Ingleside, Chicago, IL., uninvited after being told by complainant she wanted no further contact.	Not Sustained

**IV. APPLICABLE RULES AND LAWS**

Rules
1. <b>Rule 8:</b> Disrespect to or maltreatment of any person, while on or off duty.
2. <b>Rule 9:</b> Engage in any unjustified verbal or physical altercation with any person while on or off duty.

## V. INVESTIGATION

COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in its analysis.

### a. Interviews

On November 27, 2017, complainant Subject 1 (“Subject 1”) gave an audio interview to COPA. Subject 1 stated she knew Officer A from the gym where she worked. She stated that Officer A was a member. Subject 1 stated she and Officer A initially had a social relationship. Subject 1 stated Officer A asked her on a date, and they “went out for a while.” Subject 1 stated she had an intimate relationship with Officer A lasting approximately three months. Subject 1 stated with her interest in the relationship waning, and finding out Officer A was involved with another woman while dating her, she decided to end the relationship. Subject 1 stated August 2016 was her last communication with Officer A via text message which said, “Good luck with what’s going on in your life, I don’t want anything else to do with the situation.” Subject 1 stated that on some date between December 11, 2016, and December 16, 2016, she was in the kitchen of her residence with a friend when there was a knock at her back door. Subject 1 stated it was Officer A arriving unannounced. Subject 1 stated she opened the door and asked Officer A, “What are you doing here?” Subject 1 stated Officer A said he stopped by because his mother was in the hospital following a car accident. Subject 1 stated Officer A said he did not know who to talk to and that he was worried about his mother. Subject 1 stated Officer A said he was in the area and thought to talk with her. Subject 1 stated she told Officer A she felt bad for his mother but that he had to leave. Subject 1 stated Officer A then left. Subject 1 stated she was surprised Officer A showed up at her home.

On May 6, 2017, Subject 1 stated Officer A “popped up again” at the back door of her home. Subject 1 stated she asked Officer A why he was there. Subject 1 stated Officer A said he wanted to “catch up,” since they were friends, and wanted to see how she was doing. Subject 1 stated she told Officer A in her kitchen they were not friends and he needed not to “pop up,” at her residence “unannounced or unknown because they were not communicating.” Subject 1 stated Officer A said he thought they were [communicating], and that they “needed to catch up more often.” Subject 1 stated she told Officer A that was not a good idea, and they should not communicate. Subject 1 stated that after Officer A left her residence, she still felt the message that she no longer wanted to talk to him had not been communicated to Officer A.

Subject 1 stated she decided to “make it very clear that she wanted no further contact” with Officer A. Subject 1 stated on the evening of May 6, 2017, she went to the home of Officer A’s mother, where he was living at the time. Subject 1 stated she rang the bell, and Officer A’s mother answered the door. Subject 1 stated she asked to speak with Officer A but was told he was not there. Subject 1 stated she told Officer A’s mother to tell him that she no longer wanted

Officer A “popping up at her residence,” and he [Officer A] needed to stay away from her. Subject 1 stated she told Officer A’s mother the next time she saw Officer A unannounced at her residence, she would likely get a restraining order. Subject 1 also stated she went on Facebook messenger and sent Officer A a message not to contact her.<sup>1</sup>

On May 29, 2017, Subject 1 stated Officer A went to Subject 1’s mother’s home at XXXXX S. Indiana Ave., looking for her. Subject 1 stated she was out of the country at that time and her mother informed her of Officer A’s visit via phone. Subject 1 stated that Officer A had previously been to her mother’s home on several occasions, once for Thanksgiving and another while Subject 1 was doing laundry. Subject 1 stated she did not “take offense that he [Officer A] stopped at her mother’s home since she had stopped by his mother’s home.” Subject 1 stated that evening she had a Facebook messenger conversation with Officer A and Civilian 1, identified by Subject 1 as Officer A’s girlfriend. Subject 1 stated she again told Officer A to leave her alone.<sup>2</sup>

On November 17, 2017, Subject 1 stated Officer A reached out to her via social media on Instagram. Subject 1 stated Officer A sent her a “friend request” under the name XXXXXX. Subject 1 stated she took a screenshot of Officer A’s friend request but did not accept the request.<sup>3</sup> Subject 1 stated the reason she came to COPA was because Officer A “had ‘popped up’ physically before and he carries his gun with him all the time,” that he went to her mother’s home, and that Subject 1 does not want anything to happen after telling Officer A not to contact her. Subject 1 stated Officer A never showed up at any of the locations in uniform under the color of law or authority. Subject 1 stated Officer A has never threatened or abused her.

On January 9, 2018, **Officer A, (“Officer A”), #XXXX**, gave a recorded audio interview with COPA. Officer A stated he and Subject 1 first met approximately five years previous at an XXXXX Fitness Gym location. Officer A stated Subject 1 was an employee of the gym and he was a patron. Officer A stated that later, he and Subject 1 started a casual acquaintance, which became romantic, and lasted approximately one year. Officer A stated he and Subject 1 were romantically involved but not in a relationship. Officer A stated he and Subject 1 “went on a few dates, but it wasn’t an actual relationship where we were boyfriend and girlfriend.” Officer A stated the intimacy ended on or around 2015, because Subject 1 asked him to enter a “real” relationship. Officer A stated he told Subject 1 he did not want a serious relationship because he was starting the Chicago Police Department’s Academy, his focus at the time. However, Officer A went on state the intimacy with Subject 1 continued after he became a police officer.

Officer A stated it was his decision for the relationship to end. Officer A stated Subject 1 was not happy with his decision, but was happy being friends. Officer A stated he was still in communication with Subject 1 via text messaging and phone calls. Officer A stated that on

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<sup>1</sup> Attachment 9

<sup>2</sup> Attachment 9

<sup>3</sup> Attachment 15

occasion he also went by Subject 1's home to play video games. Officer A stated Subject 1 always gave him the option to stop by her residence. Officer A stated he believed that option was still available when he stopped by Subject 1's residence on or about December 11, 2016. Officer A stated he stopped by Subject 1's residence that evening to tell her his mother had been in an accident. Officer A stated Subject 1 answered the door, and invited him in her residence. However, Officer A stated he did not go inside. Officer A stated Subject 1 introduced him to her girlfriend that was living at Subject 1's residence. Officer A stated Subject 1 contacted him via Facetime audio asking that he "give her the heads up," the next time he was going to stop by her home. Officer A stated Subject 1 did not state that evening she no longer wanted him to contact her.

Officer A stated that on or around May 6, 2017, he did go to Subject 1's home. Additionally, Officer A stated Subject 1 sent a message that she no longer wanted to have any contact with him.<sup>4</sup> Officer A stated on or around Memorial Day, May 2017, he stopped by Subject 1's mother's home looking for Subject 1. Officer A stated he changed his phone number, and Subject 1 changed hers, so neither party had a means to contact the other. Officer A stated he brought Civilian 1 ("Civilian 1"), his girlfriend at that time, to Subject 1's mother's home. Officer A stated Civilian 1 wanted to talk to Subject 1 about the nature of her relationship with Officer A. Officer A stated this happened because Civilian 1 found a Facebook communication from Subject 1 to Officer A. Officer A stated Subject 1 was out of the country and contacted him via Facetime audio. Officer A stated that Civilian 1 spoke to Subject 1 to find out the nature and intimacy of her relationship with Officer A. Officer A stated Civilian 1 became upset upon learning the extent of the relationship he had with Subject 1, but that her mind was "put at ease," upon learning Officer A had not cheated on her [Civilian 1]. Officer A stated May 29, 2017, was the second time Subject 1 stated via text she no longer wanted him to contact her.<sup>5,6</sup>

Officer A stated that in or around the Fall of 2017, he accidentally sent a friend request via Facebook to Subject 1. Officer A stated that he previously blocked Subject 1 but that Facebook sent him a suggested list of people to contact. Officer A stated he pressed the wrong button and sent a friend request instead of blocking Subject 1.

Officer A stated he immediately cancelled the friend request and reinstated the block of Subject 1. Officer A stated the Facebook chats that occurred on May 29, 2017, were between Civilian 1 and Subject 1 and not him.<sup>7</sup> Officer A stated at some point Civilian 1 was using his phone to contact Subject 1. Officer A stated Civilian 1 would use her name to text Subject 1, pretend to be Officer A and text under his name, or tell Officer A what to text to Subject 1 under his name.

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<sup>4</sup> Attachment 9

<sup>5</sup> Attachment 9.

<sup>6</sup> May 29, 2017 coincides with Officer A's Memorial Day approximate date he and Civilian 1 went to Subject 1's mother's home.

<sup>7</sup> Attachment 9

A stated Subject 1 recently began to work out at the gym where they met. Officer A stated he does not speak to or have any contact at all with Subject 1.

COPA made several attempts to contact **witness Civilian 1**. On January 12, 2018, a letter requesting an interview was sent via U.S. first class and certified mail to Civilian 1's residence at XXXX W. Evergreen, Chicago, IL. On January 24, 2018, COPA followed up on its request for an interview with Civilian 1 via telephone. Civilian 1 stated that she did not want to get involved in the matter and would not provide a statement.<sup>8</sup>

### **b. Documentary Evidence**

In an **Initiation Report** to Commander A, XXX<sup>th</sup> District, on November 19, 2017, Sergeant A ("Sergeant A"), #XXXX, stated Subject 1 came into the XXXX<sup>th</sup> District to initiate a complaint of harassment against Officer A.

The Initiation Report indicates that Subject 1 said she had a dating relationship with Officer A from April 2016 through July 2016. It further states that Subject 1 said after ending the relationship, she told Officer A that she did not want any further contact with him. The report states that Subject 1 said in December 2016, Officer A while off-duty, came to her residence at XXXX S. Ingleside, to tell her his mother was in a car accident. The report further states that Subject 1 said she told Officer A to leave. It also states that Subject 1 said on May 6, 2017, Officer A, while off duty, came to her residence at XXXX S. Ingleside again and she told him to leave. The report states that on May 29, 2017, Subject 1 said Officer A, while off duty, came to her mother's residence at XXXX S. Indiana and was told to leave. It states that on November 17, 2017, Subject 1 said that Officer A sent her a friend request through Instagram that she did not accept. The report states that Subject 1 alleged she is being harassed by Officer A (Att. 8).<sup>9</sup>

### **c. Additional Evidence**

On November 27, 2017, Subject 1 signed a **Material Submission Consent Form** giving COPA permission for a digital media extraction via laptop of text messages and other social media contacts between she, Officer A, and Civilian 1 as evidence to support her allegation against Officer A.<sup>10</sup>

## **VI. ANALYSIS**

Under Section 2-78-100, Definitions, of Chapter 2-78, Municipal Code of Chicago that created the Civilian Office of Police Accountability (COPA) states:

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<sup>8</sup> Attachment 20

<sup>9</sup> Attachment 8

<sup>10</sup> Attachment 6

“Domestic Violence” means physical abuse (other than sexual abuse), **harassment**, stalking, intimidation involving...**persons who have or have had a dating or engagement relationship** (bold highlight for emphasis).

More specifically the definition of Category Code 05L, Domestic Violence, Non-Physical, of the Chicago Police Department Complaint Register Matrix states:

Member engages in abusive or intimidating conduct against a “family or household member” (as defined by COPA Ordinance) including but not limited to **harassment or stalking (including by use of computer or other electronic medium)**, intimidation or violation of a protective order or other legal order, while on or off duty (bold highlight for emphasis).

This investigation revealed an intertwined relationship involving Officer A, Subject 1 and Civilian 1. Officer A and Subject 1 provided conflicting accounts of their encounter at Subject 1’s residence on or about December 11, 2016. Based upon the conflicting statements, COPA cannot sustain its burden of proof by preponderance of the evidence for the allegation, specifically, that Subject 1 was harassed by Officer A.

On May 6, 2017, both Officer A and Subject 1 concurred that he stopped by her residence. Subject 1 stated she told Officer A to leave and she wanted no further contact. Officer A acknowledged on May 6, 2017, that he received a message from Subject 1 that she no longer wanted any contact with him. However, on May 6, 2017, Subject 1 stated she went by Officer A’s mother’s home to tell Officer A in person she wanted no further contact. This action brings into question Subject 1’s credibility that she no longer wanted to have contact with Officer A. It flies in the face of logic that if Subject 1 no longer wanted contact with Officer A, she would go to his mother’s home, to in fact have contact with him. Based upon Subject 1’s actions, COPA cannot prove or disprove the allegation that Officer A continued to have unwanted contact with Subject 1.

On November 17, 2017, Subject 1 stated Officer A reached out to her via social media on Instagram. Officer A stated at his interview he accidentally sent Subject 1 a friend request via Facebook. Officer A stated that he previously blocked Subject 1 but Facebook sent him a suggested list of people to contact. Officer A stated he pressed the wrong button and sent a friend request instead of blocking Subject 1. Officer A stated he immediately cancelled the friend request and reinstated the block of Subject 1. Absent any independent statements from anyone other than Officer A or Subject 1, COPA cannot prove or disprove that Officer A sent that request in an attempt to harass Subject 1.

Without the existence of independent corroboration, COPA cannot sustain the allegation of harassment by Subject 1 against Officer A. Subject 1 provided COPA copies of social media messages involving communications between Subject 1, Officer A and Civilian 1. The evidence

demonstrated a willing interaction between all parties, including Subject 1.<sup>11</sup> This again calls Subject 1's credibility into question, as she continued to have contact with Officer A after she alleges that she wanted no further contact with him.

Based upon the evaluation of the evidence, COPA is unable to prove or disprove whether Officer A harassed Subject 1.

## **VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	1. Harrassed Subject 1 by arriving at her residence, XXXX S. Ingleside, Chicago, IL., uninvited after being told by complainant she wanted no further contact.	<b>Not Sustained</b>

Approved:

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*Deputy Chief Administrator A*

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Date

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<sup>11</sup> Attachment 9

**Appendix A**

## Assigned Investigative Staff

<b>Squad#:</b>	XX
<b>Investigator:</b>	Investigator A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Deputy Chief Administrator:</b>	Deputy Chief Administrator A